

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**JAN 27 2006**

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

MARCOS PALACIOS MONTANO; et  
al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-75561

Agency Nos. A95-176-661  
A95-176-660  
A95-176-659

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted January 23, 2006\*\*

Before: T.G. NELSON, SILVERMAN and BYBEE, Circuit Judges.

We have reviewed the response to the court's October 7, 2005 order to show cause, and we conclude that petitioners Marcos Palacios Montano, A95-176-661, and Edith Aguilar Palacios, A95-176-660, have failed to raise a colorable constitutional claim to invoke our jurisdiction over this petition for review. *See Falcon Carriche v. Ashcroft*, 350 F.3d 845 (9th Cir. 2003); *Torres-Aguilar v. INS*,

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

246 F.3d 1267, 1271 (9th Cir. 2001). Accordingly, we *sua sponte* dismiss this petition for review for petitioners Marcos Palacios Montano, A95-176-661, and Edith Aguilar Palacios, A95-176-660, for lack of jurisdiction. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003); *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1144 (9th Cir. 2002).

A review of the petition for review also indicates that petitioner Xally Yolotzin Palacios Aguilar, A95-176-659, is ineligible for cancellation of removal because she lacks a qualifying relative under the statute. Accordingly, the court also *sua sponte* summarily denies the petition for review with respect to petitioner Xally Yolotzin Palacios Aguilar, A95-176-659, because the questions she has raised in this petition for review are so insubstantial as not to require further argument. *See* 8 U.S.C. § 1229b(b)(1)(D) (requiring alien to show that “removal would result in exceptional and extremely unusual hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.”); *Molina-Estrada v. INS*, 293 F.3d 1089, 1093-94 (9th Cir. 2002) (denying cancellation of removal where alien lacked a qualifying relative under the statute); *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

**PETITION FOR REVIEW IN PART DISMISSED AND DENIED IN PART.**